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CONTENTS

		Page
I.	INTERNATIONAL DAY OF SOLIDARITY WITH THE PALESTINIAN PEOPLE	1
II.	RECOMMENDATIONS OF THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE TO THE GENERAL ASSEMBLY	2
III.	CONCLUSIONS OF REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES	7
IV.	STATEMENT ON THE MIDDLE EAST PEACE PROCESS ISSUED BY THE EUROPEAN COMMUNITY AND ITS MEMBER STATES ON 10 OCTOBER 1991	19
V.	EUROPEAN JOURNALISTS VISIT MIDDLE EAST ON UNITED NATIONS SPONSORED NEWS MISSION	20
VI.	NON-GOVERNMENTAL ORGANIZATIONS: ACTIVITIES AND INFORMATION	21

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I. INTERNATIONAL DAY OF SOLIDARITY WITH THE PALESTINIAN PEOPLE

On 29 November 1991, the International Day of Solidarity was observed at United Nations Headquarters, New York, and at the United Nations Offices at Geneva and Vienna, as well as in several other cities.

All States Members of the United Nations, specialized agencies and observers were invited to attend the solemn meeting of the Committee on the Exercise of the Inalienable Rights of the Palestinian People which took place at United Nations Headquarters in accordance with the provisions of General Assembly resolution 32/40 B of 2 December 1977.

At that Meeting, statements were made by: Absa Claude Diallo (Senegal), Chairman of the Committee, and Samir Shihabi (Saudi Arabia), President of the General Assembly. James Jonah, Under-Secretary-General for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship, delivered a message from the Secretary-General.

Aurel Dragos Munteanu (Romania), President of the Security Council for the month of November, made a statement. Also, Shafik Al-Hout, member of the Executive Committee of the Palestine Liberation Organization, read out a message from Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization.

Further statements were made by: Stanley Kalpagé (Sri Lanka), Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories; Darko Silovic (Yugoslavia), representative of the Movement of Non-Aligned Countries; Mustafa Aksin (Turkey), representative of the Organization of the Islamic Conference; Muhammad H. El-Farra, Observer of the League of Arab States; Hassan Ali Hussain Al-Ni'mah (Qatar), representative of the Gulf Co-operation Council; and Colleen F. McGuire, representative of the International Coordinating Committee for Non-Governmental Organizations on the Question of Palestine.

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Concluding statements were made by the Chairman and Farouk Kaddoumi, Head of the Political Department of the Palestine Liberation Organization.

Messages to commemorate the occasion were received from 18 heads of States, 9 heads of Government, 11 Foreign Ministers, 3 Governments, as well as the representatives of 3 intergovernmental organizations, the Pan-Africanist Congress of Azania and United Nations Educational, Scientific and Cultural Organization (UNESCO). Still further messages were received from 14 non-governmental organizations active on the question of Palestine.

All statements and texts received will be published in extenso in a special bulletin prepared by the Division for Palestinian Rights.

In further commemoration of the International Day, the Committee arranged the screening of a series of films during the week beginning 29 November in the Dag Hammarskjöld Library Auditorium.

At the request of the Committee, in still further commemoration of the International Day, the Office of the Permanent Observer for Palestine to the United Nations presented an exhibit in cooperation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, which was displayed in the Public Lobby at United Nations Headquarters from 29 November to 5 December 1991.

II. RECOMMENDATIONS OF THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE TO THE GENERAL ASSEMBLY

The Committee met on 15 November 1991, at which time it adopted its report to the forty-sixth session of the General Assembly. The report contained the following recommendations:

> "The year under review was one of great change, marked by the tragic events of war, but also by renewed hopes for peace with justice in the region, as the international community expressed its determination to ensure equity and consistency in the application of the principles of international law and of United Nations resolutions. Solidarity with the Palestinian people became an even more

urgent task in the aftermath of the conflict arising from the situation between Iraq and Kuwait, as their suffering increased manifold and their existence as a people appeared increasingly threatened. Israel's stepped-up colonization and economic strangulation of the occupied Palestinian territories, its increasing violations of human rights, and the growing numbers of Palestinian refugees made it imperative that a just and comprehensive settlement of the question of Palestine be finally achieved. At the same time, the new spirit of international cooperation in resolving regional conflicts peacefully and the current initiatives in this regard have given rise to hope that a concrete peace process can be initiated.

"The Committee expresses its continued and full support for the intifadah, the courageous struggle of the Palestinian people, to end Israeli occupation and implement the proclamation of independence of November 1988. Through the intifadah, the Palestinian people has clearly expressed its national purpose and its determination to bring about the exercise of its inalienable rights and has affirmed that the Palestine Liberation Organization (PLO) is its sole legitimate representative. The Committee reaffirms the international consensus that full respect for, and the realization of, the inalienable rights of the Palestinian people are indispensable for the solution of the question of Palestine. The Committee calls once again upon Israel to recognize and respect the national aspirations and rights of the Palestinian people and to acknowledge as well the desire of its own people for a future based on peace with justice. The Committee appeals to all progressive forces in Israel further to intensify their efforts to bring about this essential objective.

"The Committee welcomes the convening by the United States of America and the Union of Soviet Socialist Republics of a conference for the achievement of a comprehensive peace based on Security Council resolutions 242 (1967) and 338 (1973) and on the land-for-peace principle, to ensure security and recognition for all States in the region, including Israel, as well as the legitimate political rights of the Palestinian people. The Committee expresses the earnest hope that such a conference will bring about a comprehensive, just and lasting solution to the question of Palestine based on internationally recognized principles and United Nations resolutions. The Committee hopes that the role of the United Nations will be generally intensified in this process.

"The Committee recalls that an international consensus has already been achieved on the essential principles for such a solution. In its first report to the General Assembly, the Committee had recommended modalities for the attainment of Palestinian rights (see annex I), later complemented by the Declaration and Programme of Action adopted by the International Conference on the Question of Palestine held at Geneva in 1983. The intifadah and the Palestinian peace initiative of 1988 led to an even wider consensus, as shown once again by the near-unanimous adoption of General Assembly resolution 45/68 of 6 December 1990. In that resolution the Assembly called once again for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Security Council resolutions 242 (1967) and 338 (1973) and the legitimate national rights of the Palestinian people, primarily the right to self-determination.

"The Committee recalls the principles for the achievement of comprehensive peace contained in that resolution, namely:

"(a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories;

"(b) Guaranteeing arrangements for the security of all States in the region, including those named in General Assembly resolution 181 (II) of 29 November 1947, within secure and internationally recognized boundaries;

"(c) Resolving the problem of the Palestine refugees in conformity with General Assembly resolution 194 (III) of 11 December 1948 and subsequent relevant resolutions;

"(d) Dismantling the Israeli settlements in the territories occupied since 1967;

(e) Guaranteeing freedom of access to the Holy Places, religious buildings and sites.

"Pending progress towards a political settlement, however, the Committee considers it is of the utmost urgency

that all necessary measures be taken to protect the Palestinian people in the Palestinian territory occupied since 1967, including Jerusalem, in accordance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and numerous resolutions of the Security Council and the General Assembly. In the past year, Israel's continued violation of the Convention has led to increasing casualties and the deterioration of already unbearable living conditions. A matter of special concern is the suffering inflicted on Palestinian women and children as a result of Israeli practices. The Committee considers that it is now all the more urgent for the High Contracting Parties to the Geneva Convention and for the United Nations system as a whole to ensure that Israel abide by its obligations as the occupying Power and in particular, to implement Security Council resolution 681 (1990) of 20 December 1990 and subsequent resolutions.

"The Committee is deeply concerned at the growing Israeli colonization of the Palestinian territory occupied since 1967, including Jerusalem, as manifested in the intensified establishment and expansion of settlements, confiscation of land and water resources and settler vigilantism, in violation of the Fourth Geneva Convention and United Nations resolutions. The growing influx of new immigrants exacerbates the situation. The Committee considers that it is incumbent upon the Security Council to review the matter urgently and to undertake appropriate measures, in conformity with the Fourth Geneva Convention and the relevant principles of the Charter of the United Nations, to deal with the situation.

"The Committee wishes to reaffirm that the United Nations has a duty and responsibility to render all assistance necessary to promote the social and economic development of the Palestinian territory occupied since 1967, including Jerusalem, in preparation for the full exercise of national sovereignty in accordance with the relevant United Nations resolutions. The Committee accordingly reiterates its call upon the organizations of the United Nations system, as well as on Governments and on intergovernmental and non-governmental organizations, to sustain and increase their economic and social assistance to the Palestinian people, in close cooperation with the Palestine Liberation Organization.

"The Committee noted with satisfaction the increased international support for the attainment of a comprehensive,

just and lasting solution of the question of Palestine in the year under review. The Committee believes that its programme of regional seminars, NGO meetings and other informational activities has played a valuable role in this process and it will continue to strive to achieve maximum effectiveness in the implementation of its mandate. The Committee will continue and intensify its efforts to ensure that those meetings provide a useful forum for an in-depth consideration of the substantive issues to be addressed in any peace process, with the assistance of experts from all regions and representing diverse points of view, including Palestinians and Israelis. The Committee once again extends an invitation to all Governments, including those of the United States of America and Israel, to participate in its work and in the events organized under its auspices." (see A/46/35, paras. 87-95)

III. CONCLUSIONS OF REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories issued its twenty-third report to the Secretary-General for submission to the General Assembly at its forty-sixth session (A/46/522).

The report includes the following conclusions:

"438. After carefully evaluating the information contained in the two periodic reports (A/46/65 and A/46/282) and in the present report, the Special Committee wishes to draw the following conclusions. The twenty-second report having been adopted on 10 September 1990, the conclusions thus cover the period from 1 September 1990 to 22 August 1991. It must be borne in mind, however, that the frequency and intensity of incidents that occurred during the period under consideration and the impressive amount of information on the human rights situation received and examined by the Special Committee did not permit its total reflection in these reports; the Special Committee has endeavoured, within the constraints imposed by the specific regulations with regard to the length of United Nations documents, to include in its reports, as faithfully as possible, samples of the information it has received in order to illustrate in the best possible manner the situation of human rights in the occupied territories during the period covered by these reports.

"439. Since its establishment in 1968, the Special Committee has consistently tried to obtain the cooperation of the Government of Israel, but in spite of its repeated attempts has so far been denied such cooperation. During the period under consideration the Committee has once again addressed a letter to the Secretary-General seeking his intervention in order to convince the Israeli Government to cooperate. Regretfully the Government of Israel has continued to withhold its cooperation.

"440. On the other hand, the Special Committee has been able to benefit from the cooperation of the Governments of Egypt, Jordan and the Syrian Arab Republic, and of various Palestinian representatives. The Special Committee, having been precluded from visiting the occupied territories, in addition to its regular meetings at Geneva, again travelled to Damascus, Amman and Cairo in May and June of this year where it heard the evidence of persons with first-hand knowledge and personal experience of the human rights situation in the occupied territories. In addition, the Special Committee followed the situation in the occupied territories on a day-to-day basis through reports appearing in the Israeli and Palestinian press. The Special Committee also examined a number of valuable communications and reports from Governments, organizations and individuals concerning the occupied territories that reached it during the period under review.

"441. On the basis of the information and evidence put before it, the Special Committee concludes that during the reporting period the human rights situation of the Palestinians and other Arabs in the occupied territories has deteriorated to such an extent that this population is now reaching a state of mere survival.

" 442. The persistence of this negative trend, intensified in the recent period by the accumulated hardships of more than three years of struggle and by the repercussions of the Gulf crisis and ensuing war, basically derives from the fundamental reality, stressed by the Special Committee since the outset of its activities, that occupation in itself constitutes a violation of human rights. Israel has continued, during the period under consideration, to pursue and implement a general policy based on the claim that certain territories occupied by Israel in 1967 constitute a part of the State of Israel. This policy has led to the annexation of Jerusalem and the occupied Syrian Arab Golan and the imposition of Israeli law over these territories. The Special Committee wishes to recall in this connection that the Security Council, in its resolution 478 (1980), inter alia, determined that all legislative and administrative measures and actions taken by Israel which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the "Basic Law" on Jerusalem, are null and void and must be rescinded forthwith. With regard to the occupied Syrian Arab Golan, the Security Council in its resolution 497 (1981), inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on this territory was null and void and without international legal effect. This policy has also resulted in the establishment of settlements in the occupied territories, expropriation of property, transfer of Israeli citizens including Jewish immigrants to the occupied territories and in inducing, directly or indirectly, the Palestinian and other Arab population to leave their homeland.

"443. The Special Committee stresses once again that such policy is in violation of the obligations of Israel as a State party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. It should be recalled that this Convention stipulates that military occupation is to be considered as a temporary, de facto situation giving no right whatsoever to the occupying Power over the territorial integrity of the occupied territories. Various illustrations of the Israeli attitude are provided in the present report, such as the declaration made on 20 February 1991 by the Deputy Housing Minister, to the effect that the Ministry planned to build several thousand houses in the territories over the next three years, including 2,000 during fiscal year 1991. "The Ministry builds in the territories in response to the needs of the population in the territories, or of Israelis who want to move there, to the same extent as has been done in the past", he said (Jerusalem Post, 21 February 1991; see A/46/282, para. 242). This intention was further confirmed on 1 May 1991 when it was reported by Ha'aretz that the Housing Ministry was planning to build 24,000 new housing units in the West Bank, to accommodate 88,000 Jews (see para. 419 above). On 2 July 1991, it was reported that the Housing Ministry had set up a special office to oversee settlement activity in the territories, with a view to accelerating construction and expanding existing settlements. According to another report the increased construction planned in the territories could increase the Jewish population in the territories by half a million (Ha'aretz, Jerusalem Post, 2 July 1991; see para. 428 above). This accelerated settlement policy has been particularly noticeable in the Jerusalem area where, for instance, it was reported by Ha'aretz on 27 May 1991 that an outline plan for the settlement of Ma'aleh Adumim, east of Jerusalem, provided for expanding the settlement over approximately 50 per cent of its present surface, thus almost linking it up with the eastern neighbourhoods of Jerusalem (see para. 424 above). The trend to settle new immigrants arriving

in Israel in the occupied territories also persisted during the reporting period. On 7 October 1990, Prime Minister Shamir stated that his pledge earlier in the year not to settle Soviet Jewish immigrants in the territories did not include East Jerusalem (Ha'aretz, Jerusalem Post, 8 October 1990; see A/46/65, para. 241); and the Deputy Housing Minister declared on 20 February 1991 that "The Ministry does not direct immigrants to the territories, but if they want to move there, nothing is stopping them" (Jerusalem Post, 21 February 1991; see A/46/282, para. 242).

"444. Repressive measures, raised to the status of an official policy, have continued to be implemented by the Israeli occupying authorities to quell the resistance of the Palestinian and other Arab civilians against occupation. For instance, on 26 October 1990, Ha'aretz reported that the security authorities had issued new instructions to soldiers and civilians regarding rules for opening fire. Under these instructions, approved by the Defence Minister in consultation with the Chief of Staff and the Judge Advocate-General, "in any situation of real and immediate danger to life, including when such a danger is caused by stone-throwing at a running car, the attacked person can open fire in order to prevent the danger" (see A/46/65, para. 14). On 21 December 1990, it was reported by Ha'aretz that, according to an IDF spokesman, 15 Palestinians inciters and stone-throwers, including youths aged 14 to 16, were hit by marksmen over the previous week (see A/46/282, para. 11). On 2 January 1991, the Police Minister was reported by the Jerusalem Post as having declared that "every terrorist who comes to murder Jews must know that if he does not blow himself up in the process, the security forces will kill him" (see A/46/282, para. 15).

"445. The climate of violence and repression prevailing in the occupied territories has resulted in heavy losses of human life as well as severe and widespread injuries usually inflicted in the course of demonstrations, army raids, clashes with guards or border policemen, or clashes with settlers. This violence has affected all categories of civilians, including very young children, women and old people. Several witnesses referred in the course of their testimony to the climate of fear and indiscriminate repression prevailing in the territories. A witness stated in this regard:

> "'They had established a camp near one of the schools in the village. Once the army came to my father's house, at about 10 at night. They took my brother away, as well as some children of the neighbours. They gathered them and took them towards the camp. They forced them to sweep the street. It was 12 o'clock at night. They did not give them anything to clean with, so they had to clean with their hands. ... They took them to the camp, they beat them severely. When they released them, it was 4 o'clock in the morning. ... Some of them were unable to walk, because of the heavy beating they had suffered. We tried to have ambulances to transport them to hospital. There they were given the necessary first aid and they came back home.' (See para. 261 above.)

"Another witness recalled her personal experience:

> "'I heard that there had been a demonstration in the camp and that my aunt had died. I went to see her and as I was looking at her, I was hit by a bullet from the back. I lost consciousness and fell on the ground. I was bleeding a lot. The Israelis prevented the ambulance from taking me and from getting any medical help. Finally, a youth came, brought an Arab car and took me to hospital. The Israelis followed us and started breaking everything in the hospital, because they wanted to take me away. I was operated that night. They tried to take me away from the operation room. I stayed two months in the hospital.' (See para. 262 above.)

"446. The grave incident that occurred on 8 October 1990 on the site of the Al-Aqsa Mosque, leading to the death of 17 Palestinians and the injury of some 200, was a particularly shocking example of the level and indiscriminate nature of the repression. On 14 October 1990, the Israeli human rights group Betzelem issued a report on the incident based on affidavits collected from Palestinians and statements given by Israeli security personnel. According to the report, the clash apparently began when Palestinians threw stones at policemen, causing them to fire both tear-gas and subsequently live ammunition, thus causing the first casualties. Palestinian youth retaliated by attacking and burning a police station and throwing stones. Later on some 200 police rushed into the compound, firing live ammunition and causing most of the fatalities. During that stage police sprayed the area with automatic fire, hitting people indiscriminately, including people who were fleeing and medical personnel treating the wounded. According to the Betzelem report's findings, "if there were stages in which concrete mortal danger existed, these were brief, at the outset of the riot, when most (of the 6) security personnel and (22 Jewish) worshippers were hurt. But precisely in these stages, virtually no use was made of live fire" (Ha'aretz, Jerusalem Post, 15 October 1990; see A/46/65, para. 22).

"447. Another example is the situation that prevailed in the Rafah area in the Gaza Strip on 29 December 1990, during what was described as "the worst day in the past six months", when four Palestinians were shot and killed in violent clashes and a woman died after inhaling tear-gas (Ha'aretz, Jerusalem Post, 30 December 1990; see A/46/282, para. 43).

"448. Another preoccupying development, reported by the Palestine Human Rights Information Centre on 26 June 1991, was the killing of Palestinians in IDF undercover operations. According to the report, 26 Palestinians were killed in such operations in 1989, 11 in 1990 and 10 in the first five months of 1991. Most of the victims were reportedly killed while writing graffiti on walls, and others were either manning barricades or shouting slogans through loudspeakers. Ten were killed in circumstances that suggested they were specifically wanted by the authorities and six were armed when killed (Jerusalem Post, 27 June 1991; see para. 44 above).

"449. The climate of tension and repression has also brought about an alarming increase of deaths that occurred under unclear circumstances. According to Betzelem, "during the period since the beginning of the uprising until the end of December 1990, 10 Palestinians were killed by Palestinians who collaborated with the authorities"; according to the Associated Press agency, "during the same period 324 Palestinians were killed by other Palestinians on suspicion of collaboration with Israel" (Ha'aretz, 2 January 1991; see A/46/282, para. 14). Information appearing in the tables reproduced in paragraph 18 of document A/46/65, paragraph 18 of document A/46/282 and paragraph 49 above also indicates that, in addition to Palestinians killed by troops or Israeli civilians, an increasingly high number of Arab civilians have been killed, under various other circumstances. Although the motives for these killings often appear to be related to suspicion of collaboration with Israel, they are difficult to determine with any degree of certainty. What is certain, however, is the fact that the climate of tension, frustration and suspicion created and nourished by the occupation over such an extended period has greatly contributed to the development of this phenomenon.

"450. During the period under consideration, grave deficiencies have continued to be witnessed in the field of the administration of justice. The "quick justice" policy pursued by the Israeli authorities has been illustrated by the large number of detentions, including administrative detentions. This is exemplified by a report by Ha'aretz on 27 June 1991 that the IDF on 26 June had amended the law on military courts in the territories, enabling a single-justice bench to impose prison sentences of up to 10 years, whereas hitherto only a three-justice bench could impose sentences of over 5 years in jail. According to military sources the reason for the amendment was that since the outbreak of the uprising courts in the territories had been overburdened (see para. 221 above). Another illustration of the arbitrary nature of the administration of justice was the administrative detention imposed on 29 January 1991 for a period of six months upon Sari Nusseibeh, considered to be one of the leading moderate Palestinian intellectuals in the territories. Although the Defence Minister stated that Nusseibeh was detained "for the subversive activity of collecting security information for Iraqi intelligence, especially after missile attacks on Israel", the detention was later reduced to three months upon a suggestion by the Jerusalem District Court judge who expressed the conviction that the detention was simply preventive, justified by the state of war (Ha'aretz, Jerusalem Post, 30 January and 4 February 1991; see A/46/282, para. 125).

"451. The Special Committee is particularly concerned by the severity of the sentences imposed upon the Arab population as opposed to the leniency from which Israelis charged with killing or ill-treating Arab civilians have benefited. For instance, Ramadan Gorav (20), the brother of one of those killed on 8 October 1990, was sentenced to 15 months' imprisonment and 6 months' suspended term for planning to kill a policeman as an act of revenge (Jerusalem Post, 25 December 1990; see A/46/282, para. 117). Another example was the report in Jerusalem Post on 8 April 1991 according to which the Jerusalem District Court had recently sentenced a minor to 12 years' imprisonment after he was convicted of stabbing and injuring Yosef Edr, a

yeshiva student, on 12 June 1990 in East Jerusalem (see para. 191 above). By way of contrast, it should be noted that on 19 November 1990, the Israeli Major (res.) Ilan Hauser was acquitted of the charge of manslaughter through negligence. According to testimony, in December 1989, he had ordered without authorization the male residents of a village to assemble and then fired his weapon illegally. One villager, Faraj Abu Fahida, had died. Hauser was convicted of exceeding his authority, improper conduct and illegal use of a weapon, and sentenced to 45 days of "service works" and demotion to the rank of lieutenant. On 15 April 1991, the Military Court of Appeal acquitted Major Hauser of two out of the four charges on which he had been found guilty by the lower court. The Court of Appeal determined that the sentence should be a suspended prison term and demotion to the grade of seren (captain) (Ha'aretz, Jerusalem Post, 20 November 1990, Ha'aretz, 16 April 1991; see A/46/65, para. 139, and para. 245 above). Another illustration was the ruling by a Jerusalem Magistrates Court judge on the 8 October 1990 incidents on the site of the Al-Aqsa Mosque. In the report on the incidents, made public on 19 July 1991, the judge singled out a number of policemen for opening fire needlessly while not being in a life-threatening situation. But he ruled that there was insufficient evidence to press criminal charges against any of them. He also ruled that none of the policemen should be indicted on lesser charges of criminal negligence because of the uncertainty of the evidence collected (Jerusalem Post, 19 July 1991; see para. 256 above).

"452. The situation of detainees has continued to be a source of grave preoccupation during the period under consideration, and the very high number of Arab civilians detained since the beginning of the uprising has contributed to a further deterioration of the status and treatment of prisoners. On 21 December 1990, Ha'aretz reported that, according to the Judge Advocate-General, since the beginning of the uprising over 70,000 residents of the territories had been arrested (see A/46/282, para. 11). On 15 July 1991, the commander of the military police reported that 9,128 residents of the territories were currently being held in military prisons. They included 580 held in administrative detention. Some 4,891 of the persons detained were convicted prisoners serving their sentences; 2,966 were pre-trial detainees and 691 were "regular detainees" (Ha'aretz, 16 July 1991; see para. 401 above). Detainees have continued to be held in prisons and detention centres inside Israel itself, such as Ansar 3 (Ketziot), in violation of relevant provisions of article 76 of the Fourth Geneva Convention. According to several reports, detainees, including minors and women, have also continued to be subjected to various forms of ill-treatment, both physical and psychological. Reference can be made in this connection to the report issued by Betzelem on 21 March 1991 on the basis of interviews with 41 Palestinian detainees, who alleged having been tortured during interrogation by the GSS over the past three years. The detainees claimed they had been subjected to severe beatings, deprivation of food and sleep, threats to harm family members, prolonged confinement in tiny refrigerated cells, being tied up in painful positions, having their heads covered with a sack and being made to sit on wet floors for several hours. None of the 41 were convicted, or even suspected of "hostile terrorist activity". Betzelem reached the conclusion that physical abuse was routine in Israeli prisons (Ha'aretz, Jerusalem Post, 22 March 1991; see A/46/282, para. 236). Other complaints by detainees, often

leading to protests in the form of widespread hunger strikes, have included the inadequate food and medical treatment, the overcrowding of cells and lack of sanitary facilities, and the lack of proper arrangements for meetings between detainees and their lawyers or their family members.

"453. Various measures of collective punishment have continued to be implemented against the Palestinian and other Arabs in the occupied territories during the period under consideration, in flagrant violation of the relevant provisions of the Fourth Geneva Convention. The practice of demolishing or sealing off houses as a punishment for alleged security offences or for lack of a building permit has continued to be implemented on a very large scale. According to a report by Betzelem on 28 April 1991, quoted on 1 May 1991 in Ha'aretz, since the beginning of the uprising 391 houses had been demolished and 261 sealed (see para. 276 above). According to another report published by Betzelem on 22 November 1990 and quoted by Ha'aretz and Jerusalem Post, acts of demolition or sealing as a punishment for security offences were carried out without any legal proceeding, and took effect irrespective of the sentence meted out to the defendant by the court. The victims were often relatives of the suspect (see A/46/65, para. 159). The illegal nature of such measures is clearly illustrated by the case of Munzir Abdullah, who was killed on 15 April 1991 after he drove over a soldier and injured him. Abdullah left a wife and six children, the youngest being 10 months old. The IDF had decided to demolish his house. After an appeal against the decision was made by ACRI, it was decided that instead of demolishing the house, the room in which Abdullah lived would be sealed (see para. 275 above).

"454. The prolonged and continuous curfews imposed upon the occupied territories during the Gulf war for periods that in certain areas extended to six weeks have had a dramatic impact on all aspects of life and have contributed to further deterioration in the already precarious health and living conditions of the population. Many witnesses referred in their testimony to the hardships suffered by the civilian Palestinian population and other Arabs during this period. One of them stated in this regard:

> "'During the Gulf war, not one institution was able to work, particularly during the month of February, while the air attacks were continuously taking place. Nobody was able to move. We were living under total curfew. All institutions, whether educational or otherwise, were closed. Until a few days ago only, you could not go to Jerusalem without a permit.' (See para. 279 above.)

" Another witness said in the same connection:

> "' During the curfew, there were many acts of harassment. ... We had about 2,000 chickens, they were about 30 days old. They all died, because we did not have poultry feed and were prevented during the curfew from getting it. This is what happened to me, but other people had sheep for instance and were prevented from going out with their sheep to the pasture land. There were also farmers being prevented from leaving their

house and till their land. Anyone who ventured to get some food or anything would try to do so at night and, if they caught him, he would be fined between 500 and 1,000 shekels, and sometimes even 2,000 shekels. During the curfew, we suffered very much economically. The curfew was continuous, 24 hours a day. From time to time, after two or three days, they would allow us out for two hours. They would lift the curfew in one village, but not in the other ones, so you could not leave your village and go to another one. So, you could say that at least 90 per cent of the social life was restricted, in fact non-existent.' (See para. 279 above.)

"455. Another illustration of the difficulties encountered under prolonged curfews to provide basic needs to the Arab population were Israeli newspaper reports according to which Palestinians in the territories were running short of money to buy goods, and that there was no food to buy. Complaints spoke of doctors prevented from entering villages and a large quantity of farm products, including milk products, were to be destroyed owing to the impossibility of marketing them to the areas under curfew (Ha'aretz, 1 February 1991; Jerusalem Post, 31 January 1991; see A/46/282, para. 188). Yet another example was the appeal made by ACRI to the Defence Minister on 7 February 1991 to end the curfew in the territories, describing the situation there as being "on the verge of starvation" in several areas (see A/46/282, para. 193). Various other collective sanctions, including heavy taxes, the uprooting of trees and the increasingly repressive measures for the issuance of ID cards, leading in practice to preventing tens of thousands of Palestinian workers from continuing their employment inside Israel, have also further aggravated the already critical economic and social situation. An illustration of these harsh collective sanctions was the search and arrest operation carried out by troops using helicopters in Beita, near Nablus, in April 1991, while Civil Administration personnel collected taxes (Ha'aretz, 14 April 1991; see para. 64 above).

"456. The period under review has also witnessed a resumption of deportations on "security grounds" from the occupied territories carried out in spite of a wave of international protest against this violation of article 49 of the Fourth Geneva Convention, including unanimous resolutions by the Security Council against such illegal practice. On 18 May 1991, four Gaza Strip residents were expelled to Lebanon, after the High Court of Justice rejected their petition against their deportation (Ha'aretz, Jerusalem Post, 15 and 20 May 1991; see para. 337 above). Another preoccupying element is the trend to expel Palestinians without a valid "staying visa". According to a report by Ha'aretz and Jerusalem Post on 16 August 1991, Betselem stated in a press conference on 15 August 1991 that at least 20 women married to Palestinians had recently been ordered to leave the West Bank with their children despite a declared policy of the State Attorney's office that non-resident wives and children of West Bank residents would not be deported (see para. 338 above).

"457. The Special Committee has also received during the recent period information on various measures affecting the enjoyment of certain basic freedoms. Reference has already been made in this connection to the recourse

of Israeli authorities to prolonged curfews. In addition, various steps taken by these authorities have further restricted freedom of movement, such as the increasing recourse to the issuing of "green ID cards" preventing inhabitants of the territories from entering Israel and East Jerusalem. According to a report by Ha'aretz on 14 December 1990, many of those who received such cards (including journalists, lawyers and doctors) work in East Jerusalem and may now lose their jobs and livelihood. Security sources said that this measure would apply to up to 12,000 people. Most of those who received cards had served prison sentences or were under administrative detention orders in the past (Ha'aretz, 14 December 1990; see A/46/282, para. 220). In addition, arbitrary measures have considerably reduced the number of persons authorized to travel abroad.

"458. Such obstacles limiting freedom of movement have also negatively affected the enjoyment of the right to freedom of religion. Illustrative of such restrictions was the decision reported by Ha'aretz and Jerusalem Post on 11 November 1990 to declare the entire West Bank a closed military area on 9 and 10 November 1990 to prevent West Bankers from coming to Jerusalem for the Friday prayers at Al-Aqsa Mosque (see A/46/65, para. 211).

" 459. The right to freedom of expression has also been affected by measures such as newspaper closures, the closure of several news offices and the harassment of journalists. Mention can be made of the administrative detention, on 13 November 1990, of two leading West Bank journalists, Radwan Abu Ayash and Zaid Abu Ziad, on the accusation of being "senior Fatah activists" in the territories. Both have repeatedly called for a negotiated peace with Israel and for a Palestinian State next to Israel (Ha'aretz, Jerusalem Post, 14 November 1990; Ha'aretz, 26 November 1990; see A/46/65, para. 216).

"460. Freedom of education has also been hampered as a result of the prolonged closures of academic institutions. Although the reopening of most schools and some universities has in principle been announced, freedom of education in the territories has continued to suffer in practice from numerous and prolonged closure orders. According to a report by Betzelem concerning the last academic year in the territories, closure orders have affected all the West Bank schools and not necessarily schools where there were clashes with troops. Thus, during a certain period, primary school classes and even kindergartens were ordered closed. The report stated that during the first four months of 1990, 29 per cent of UNRWA schools in the Gaza Strip were ordered closed (Ha'aretz, 19 October 1990; see A/46/65, para. 221). These long periods of interruption in the educational process, together with severe shortages of classrooms and adequate teaching material, and the banning by military authorities of attempts by teachers to provide for alternative education outside the closed schools and universities, have led to a dramatic decline of the educational level, in particular among young children.

"461. The period under review has also been marked by acts of violence and aggression by Israeli settlers against the Palestinian and other Arab population. An example of the indiscriminately violent behaviour of settlers

is the incident that occurred on 18 February 1991 involving a settler from Teqo'a near Bethlehem who on 24 February 1991 confessed that he had fired his sub-machine-gun while his car was stopped at a makeshift road block in Beit Sahour. A bullet struck a 14-year-old Palestinian in the kitchen of his home, killing him (Jerusalem Post, 24 February 1991; see A/46/282, para. 232). Another illustration is the incident that took place at A-Ram junction, north of Jerusalem, on 12 May 1991, when settlers from Shiloh opened fire at an Arab minibus, injuring two 4- and 5-year-old children. The settlers later claimed that the passengers of the minibus had thrown cans at their bus, and that it had tried to run them off the road. One of the injured boys had to be hospitalized (Ha'aretz, Jerusalem Post, 13 May 1991; see para. 379 above). Another serious incident occurred on 8 June 1991, when a settler shot dead an Arab shepherd (Ha'aretz, Jerusalem Post, 9 June 1991; see para. 380 above).

"462. Finally, the report of the Special Committee also contains information on the incidents that have affected the situation in the occupied Syrian Arab Golan, including the killing, on 22 November 1990, of a resident of Majdal Shams trying to cross the border into the Syrian Arab Republic. He was killed by IDF troops who mistook him and another person accompanying him for terrorists trying to infiltrate into the country (Ha'aretz, Jerusalem Post, 25 November 1990; see A/46/65, para. 243).

"463. The intensification of the annexation policy, already mentioned above (see para. 443), has also affected the occupied Syrian Arab Golan. An example of the determination to expand settlements in that area was the declaration of the Housing Minister before the Knesset, on 18 March 1991, according to which the Jewish population in the Golan would be tripled by building 2,400 housing units there over the next two years. He said the building programme was a concrete statement of the Government's intention to remain on the Golan (Ha'aretz, Jerusalem Post, 19 March 1991; see A/46/282, para. 247). Another illustration of this policy was the announcement, on 21 May 1991, that a new settlement, called "Kanaf", was to be inaugurated and that two others were planned in the Golan (Ha'aretz, 21 May 1991; see para. 436 above). It was further announced on 23 July 1991 by the head of the Golan Heights Regional Council that four new settlements would be set up shortly in the region and that new immigrants would settle there (Jerusalem Post, 23 July 1991; see para. 437 above).

"464. In the opinion of the Special Committee, the overall picture drawn from the evidence and information examined by it during the period under consideration, that is, 1 September 1990 to 22 August 1991, reveals a further deterioration in the level of enjoyment of basic human rights and fundamental freedoms, which has dangerously increased the already considerable physical and psychological stress endured by the Palestinian people and other Arabs of the occupied territories. The provisions of the Fourth Geneva Convention, which remains the main international instrument in humanitarian law that applies to the occupied territories, continue to be violated. Furthermore, several relevant provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International

Covenant on Economic, Social and Cultural Rights, as well as several resolutions relevant to the situation of civilians in the occupied territories adopted by United Nations organs - the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights - and a number of relevant resolutions of UNESCO, WHO and ILO, continue to be disregarded by the Israeli occupation forces.

"465. The gravity of such developments has led the Special Committee to conclude that the life of the Palestinian and other Arab population in the occupied territories seems to have been reduced to the level of mere subsistence. The Special Committee, therefore, once again stresses that urgent measures must be taken in order to ensure an effective protection of their basic rights and freedoms. It also wishes to emphasize the need to arrive through negotiations at a comprehensive, just and lasting settlement of the Arab-Israeli conflict that would take into account the rights of all peoples in the area, including the national rights of the Palestinian people and other Arabs of the occupied territories.

"466. In the meantime, the Special Committee wishes to recommend once more the implementation of urgent measures that would safeguard the basic human rights of the Palestinian people and other Arabs in the occupied territories. Such measures could include the following:

"(a) The full application, by Israel, of the relevant provisions of the Fourth Geneva Convention, which remains the main international instrument in humanitarian law that applies to the occupied territories, and whose applicability to those territories has repeatedly been reaffirmed by the Security Council, the General Assembly and other relevant organs of the United Nations;

"(b) The full compliance with all resolutions pertinent to the question of Palestine as adopted by the Security Council and the General Assembly as well as other relevant resolutions adopted by UNESCO, WHO and ILO;

"(c) The creation of conditions of confidence and security conducive to promoting respect for human rights, as well as the convening of a peace conference with the participation of all the parties concerned by the Arab-Israeli conflict;

"(d) The full cooperation of the Israeli authorities with the International Committee of the Red Cross (ICRC) in order to protect detained persons, in particular by ensuring full access of ICRC representatives to such persons;

"(e) The full support, by Member States, of the activities of ICRC in the occupied territories, and positive response by Member States to any appeals for additional assistance, including funds to finance the extra activities required by the unprecedented increase in the number of detained persons;

"(f) The full support, by Member States, of UNRWA activities in the occupied territories in order to enable UNRWA to maintain and improve the general assistance provided to the refugee population;

"(g) The unrestricted cooperation of the Israeli authorities with UNRWA representatives and full respect by the Israeli authorities of the privileges and immunities that the Agency enjoys as an international body providing humanitarian services to Palestinian refugees in the occupied territories." (see A/46/522)

IV. STATEMENT ON THE MIDDLE EAST PEACE PROCESS ISSUED BY THE EUROPEAN COMMUNITY AND ITS MEMBER STATES ON 10 OCTOBER 1991

"The Community and its member States reaffirm their full support for the Middle East peace initiative promoted by the United States and the Union of Soviet Socialist Republics. They welcome the agreement in principle of all the parties to the dispute to the approach proposed by the United States Secretary of State, Mr. Baker. In this respect they also welcome the positive attitude of the Palestine National Council. They hope that this emerging consensus will open the way to an early resolution of the problem of an authentic Palestinian representation. They do not believe that any formula on this issue can be held to prejudice negotiations on substantive issues such as the status of Jerusalem.

"The Community and its member States continue to attach importance to the adoption by both sides of confidence-building measures designed to create the right climate for successful negotiations. They underline the importance they attach to a suspension of Israeli settlement activity in the occupied territories, including East Jerusalem, and welcome the willingness of Arab States to freeze the trade boycott of Israel in return for this.

"They reaffirm their strong disapproval of the 'Zionism is Racism' resolution by the United Nations General Assembly, which they believe should be consigned to oblivion.

"While reaffirming their well-known positions of principle, the Community and its member States confirm their determination to give all possible support to efforts to convene a Middle East peace conference and their determination to play an active role as a full participant in such a conference alongside the co-sponsors.

"They believe that an unprecedented opportunity to create peace between Israel and the Arabs now exists and they call upon all parties to show the flexibility and imagination necessary to grasp this." (see A/46/573)

V. EUROPEAN JOURNALISTS VISIT MIDDLE EAST ON UNITED NATIONS SPONSORED NEWS MISSION

Fourteen senior journalists from Europe visited the Middle East from 31 October to 13 November this year on a mission sponsored by the United Nations Department of Public Information.

The mission was a follow-up to the International Encounter for European Journalists on the Question of Palestine held in Helsinki from 3 to 5 June 1991. That encounter, also sponsored by the Department of Public Information, dealt with the prospects for a Middle East peace conference.

The team of journalists comprised representatives of the following newspapers: Le Soir (Belgium); Politiken (Denmark); Helsingin Sanomat (Finland); Le Monde (France); Berliner Zeitung (Germany); Messimvnini (Greece); the Irish Times (Ireland); Il Corriere della Sera (Italy); Trow (Netherlands); Público (Portugal); El País (Spain); and, the Guardian (United Kingdom).

The journalists visited Tunis, Amman, Damascus and Cairo, where they met senior governmental officials, Palestinian leaders and Palestinians now living in refugee camps.

Of particular interest to the journalists in Tunis was a meeting with Mr. Farouk Kaddoumi, Head of the Foreign Department of the PLO. Of equal interest was a meeting with the Deputy Foreign Minister, the Information Minister, and head of the Tunisian External Information Organization. Discussion concerned the role of Tunisia regarding the Madrid Peace Conference.

In Amman, the journalists were received by King Hussein and Queen Noor. Meetings took place with the Information Minister as well as with the head of the Palestinian Affairs Department of the Ministry of Foreign Affairs. It was fortunate that the mission was in Amman when the Palestinian Delegation to the Madrid Peace Conference had just returned from Spain for consultation with the Jordanian and Palestinian leadership while en route to the occupied territory. As a result, the United Nations news mission had the privilege of having lengthy sessions with Dr. Haidar Abdel-Shafi, head of the Palestinian delegation to the Conference and Dr. Hanan Ashrawi, spokeswoman for the Palestine delegation. Subsequently, the journalists visited Palestinian refugee camps.

In Damascus, the mission met in lengthy sessions with the Syrian spokesman at the Madrid Peace Conference and the Syrian Minister of State for Foreign Affairs, who discussed their country's position concerning the peace process. The mission

also had the opportunity to meet Mr. Abu Maizar, member of the Palestine National Council and the Palestinian "Salvation Front". Those discussions concerned differing views held within the Palestinian community regarding the current peace process. The journalists had unrestricted access to a refugee camp in the vicinity of Damascus where they heard reactions to the Madrid Conference.

In Cairo, the mission was received by Egypt's Foreign Minister, who outlined his country's attitude concerning the current peace process. Working sessions were held with members of Egypt's Al-Ahram Centre for Political and Strategic Studies. While in Egypt, extensive meetings were held with Dr. Nabeel Shaath, Foreign Policy Adviser to Chairman Yasser Arafat.

CONCLUSION

Whether in Tunis, Amman, Damascus or Cairo, the team of journalists had every opportunity to meet with those who have to confront daily troubles as well as those who are endeavouring to promote a peace process. It was particularly useful for the journalists that their mission coincided with events in Madrid. As a result, the mission resulted in lengthy press coverage which will be available from the United Nations Department of Public Information.

VI. NON-GOVERNMENTAL ORGANIZATIONS: ACTIVITIES AND INFORMATION

During the course of October and November, the following information was received by the Division for Palestinian Rights:

1. ICCP Newsletters Nos. 36 and 37, available from: the International Coordinating Committee for NGOs on the Question of Palestine, 150, route de Ferney, Case Postale 2100, CH-1211 Geneva 2, Switzerland.

2. Asa News, publication of Asian Students' Association. Available from: 511, Nathan Road 1/F, Kowloon, Hong Kong.

3. Issues, publication of the Arab American Institute. Available from: 918, 16th Street, N.W., Suite 601, Washington, D.C., United States of America.

4. AJME News, journal of Americans for Justice in the Middle East. Available from: P.O. Box 113-5581, Beirut, Lebanon.

5. Une Terre Deux Peuples, publication of the Association pour l'union entre les peuples juif et palestinien. Available from: Case postale 43, 1247 Anières, Geneva, Switzerland.

6. New Zealand/Aotearoa Palestine Review, available from: P.O. Box 29-168, Christchurch, New Zealand.

7. Middle East International, bi-weekly publication, available from: P.O. Box 53365, Temple Heights Station, Washington, D.C., 20009, United States of America.

8. News from Within, independent newsletter, available from: Alternative Information Centre, P.O. Box 24278, Jerusalem.

9. TANMIYA, quarterly newsletter issued by the Welfare Association concerning developments in the fields of Palestinian education, health, economic affairs and culture. Available from: 7, Av. Pictet-de-Rochemont, P.O. Box 602, CH-1211, Geneva 6, Switzerland.

10. Jerusalem, publication of the Palestine Committee for NGOs. Available from: B.P. 554, Tunis Cedex 1080, Tunis, Tunisia.

11. Israel and Palestine Political Report, available from: Magelan, 5, rue Cardinal Mercier 75009, Paris, France.

12. Solidarité Palestine, bi-monthly publication of the Franco-Palestinian Medical Association. Available from: 14, rue de Nanteuil, 75015, Paris, France.

13. Derechos Humanos, publication of the Asociación por Derechos Humanos de España, available from: José Ortega y Gasset, 77, 2, 28006 Madrid, Spain.

14. Afro-Asian Solidarity, publication available from: 89, Abdel Aziz Al-Seoud Street, 11451-61 Marial El-Roda, Cairo, Arab Republic of Egypt.

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